

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA)
VS)
Jorge Estuardo OCANA)

Case No. 001

CLERK, U.S. DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK
**COMPLAINT FOR VIOLATION OF
21 U.S.C. Sections 952 & 960,
Importation of a Controlled Substance**

The undersigned complainant being duly sworn states:

COUNT 1

That on or about May 22, 2008, within the Southern District of California, Jorge Estuardo OCANA did knowingly and intentionally import approximately 21.20 kilograms of Marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Edward Coderes, Special Agent
U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence, this 23th day of May 2008.

United States Magistrate-Judge

PROBABLE CAUSE STATEMENT

These facts are based on written and oral statements received from other law enforcement officers. I submit that the facts contained in this statement demonstrate that probable cause exists to believe that the Defendant named in the attached complaint committed the crimes charged in the complaint.

On May 22, 2008, at approximately 5:30 AM, Jorge Estuardo OCANA applied for entry into the United States from Mexico at the San Ysidro Port of Entry. OCANA was the driver and sole occupant of a blue 1997 Infinity QX4 with California/United States license plate number 6DEX877. United States Customs and Border Protection Officer (CBP) Janette Gomez was assigned to lane 16 when OCANA applied for entry. CBP Gomez obtained two negative customs declarations from OCANA. CBP Gomez then referred the OCANA and the vehicle for secondary inspection for a more detailed inspection of the vehicle. While at secondary CBP Canine Enforcement Officer (CEO) Michael Sugawa along with his Narcotics Detector Dog (NDD) "SITA" CD60 conducted a screen of the vehicle. SITA alerted to the presence of narcotics emanating from the gas tank area of the vehicle driven by OCANA.

Inspection of the vehicle by CBPO Desiree Iuli resulted in the discovery and seizure of thirteen (13) packages, which contained a substance that was field-tested positive for Marijuana, a Schedule I controlled substance, with an approximate weight of 21.20 kilograms. The packages were discovered hidden

inside the gas tank of the vehicle. Post-Miranda Rights statements by OCANA admitted knowledge that drugs were concealed inside the vehicle and that he was to be paid \$1,000.00 to deliver the vehicle to the area of Palomar Avenue in Chula Vista, California.

OCANA was arrested for violating Title 21, United States Code, Sections 952 & 960-Importation of a controlled substance. He was processed and subsequently booked into the Metropolitan Correctional Center, San Diego, California, pending judicial proceedings.

Executed on May 23, 2008 at 1000 hours

Edward Coderes

Special Agent

U.S. Immigration and Customs Enforcement (ICE)

On the basis of the facts presented in the probable cause statement consisting of two (2) pages, I find probable cause to believe that the defendant Jorge Estuardo OCANA named in the probable cause statement committed the offense on May 22, 2008 in violation of Title 21, United States Code, Section (s) 952 & 960 and United States Code Section 2.

United States Magistrate Judge